

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:18cr109-MHT
)	(WO)
ANTONIO OSCAR TATUM)	

ORDER

Upon consideration of defendant Antonio Oscar Tatum's motion for appointment of counsel (Doc. 186), it is ORDERED that the motion is denied.

There is no constitutional right to counsel in postconviction proceedings. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) ("[T]he right to appointed counsel extends to the first appeal of right, and no further."). The Eleventh Circuit Court of Appeals has held that there is no statutory right to counsel on motions for sentence reduction under 18 U.S.C. § 3582(c)(2). *See United States v. Webb*, 565 F.3d 789, 794 (11th Cir. 2009). The court sees no reason for a different rule when the defendant seeks to file a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). In addition, at this time, it does

not appear that the relevant factual and legal issues are so complex that Tatum needs the assistance of counsel to pursue his motion.

DONE, this the 6th day of May, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE